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May 20, 2024

VIA ECF

Honorable Rukhsanah L. Singh, U.S.M.J.
United States District Court
Clarkson S. Fisher Building & US Courthouse
402 East State Street
Trenton, NJ 08608

Re: In RE: Johnson & Johnson Talcum Powder Products Marketing, Sales Practices, and Products Liability Litigation (MDL No. 2738) – Update Regarding Request For Expedited Discovery

Dear Judge Singh:

On behalf of Johnson & Johnson (“J&J”) and LLT Management LLC (“LLT”) (collectively, “Defendants”), I write to update you regarding Defendants’ May 17, 2024 letter motion concerning expedited discovery of The Beasley Allen Law Firm (“Beasley Allen”).

As noted in my letter of that date, in addition to the subpoena served on Beasley Allen, Defendants served related subpoenas on both Fortress Investment Group (“Fortress”) and Thompson Reuters. Since that time, counsel to Defendants have met and conferred with Fortress, and Fortress has issued the Declaration of David Meisels, Managing Director and Head of Litigation for Fortress, attached hereto as **Exhibit A**. As confirmed by the Declaration, Fortress previously invested in a loan to the Smith Law Firm, PLLC, co-counsel to Beasley Allen in a number of talc matters. As this Court is aware, that funding was never disclosed in this MDL.

Further, the Declaration attests on information and belief that additional, substitute or subsequent funding was acquired from Ellington Management Group (“Ellington”) or a related entity. Based on Defendants’ own information and belief, that follow on funding likely was orders of magnitudes larger, perhaps as much as ten times the original loan. Given the current inventory of Rule 7.1.1 disclosures filed in this MDL, it appears this funding similarly has never been disclosed.

Honorable Rukhsanah L. Singh, U.S.M.J.

May 20, 2024

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As a result of the facts affirmed in Exhibit A, Defendants have withdrawn their subpoena to Fortress. Defendants will be issuing subpoenas to Ellington and The Smith Law Firm, PLLC.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Allison M. Brown', with a stylized, cursive script.

Allison M. Brown

cc: All Counsel (via ECF)

EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

In re Johnson & Johnson Talcum Powder
Products Marketing, Sales Practices and
Products Liability Litigation

MDL Docket No. 2738

DECLARATION OF DAVID MEISELS

I, David Meisels, declare as follows:

1. I submit this declaration in connection with the subpoena served on FIG LLC by Johnson and Johnson and LLT Management LLC in connection with the above-referenced matter.

2. I am a Managing Director and Head of Litigation for Fortress Investment Group LLC (“Fortress”). The facts stated herein are true based on my personal knowledge or information and belief.

3. Neither Fortress nor any Fortress managed fund has provided any financing to the Beasley Allen law firm (Beasley, Allen, Crow, Methvin, Portis & Miles, P.C.).

4. Certain Fortress managed funds previously invested in a loan to Smith Law Firm, PLLC, the law firm in which Allen Smith is a partner. However, those funds fully exited that investment over three years ago, and in the period since that exit, neither Fortress nor any Fortress managed fund has provided any financing to Smith Law Firm, PLLC. Upon information and belief, Ellington Management

Group (or affiliates) participated in a transaction with the Smith Law Firm, PLLC, which resulted in the repayment of the loan that certain Fortress funds previously invested in.

5. The amount of the loan to Smith Law Firm, PLLC, that certain Fortress managed funds previously invested in was \$24,000,000.

I declare under penalty of perjury under the laws of the United States of America that the foregoing statements are true and correct to my personal knowledge.

Executed on May 20, 2024 in New York, New York.

David M. Meisels
David Meisels